

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

HAROLD RIVERA-MIRANDA,

Defendant.

CRIMINAL 97-082 (SEC)

**MOTION REQUESTING SCHEDULING OF FINAL REVOCATION HEARING
AND WAIVER OF PRELIMINARY HEARING**

TO THE HONORABLE SALVADOR E. CASELLAS
SENIOR UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF PUERTO RICO

COMES NOW, defendant, Harold Rivera-Miranda, represented by the Federal Public Defender for the District of Puerto Rico through the undersigned attorney, and very respectfully states, alleges and prays as follows:

1. Mr. Rivera-Miranda is facing revocation proceedings before this Honorable Court based upon the petitions filed by United States Probation Officer Victor M. Canino. (Docket Nos. 3351, 3432.)

2. This Honorable Court referred the case to a magistrate judge for the holding of a preliminary hearing on revocation as to the latter of the motions filed by the probation officer. (Docket No. 3434.)

3. Insofar as the latest motion for show cause filed by USPO Canino refers to the fact that Mr. Rivera-Miranda pled guilty and has been sentenced for a new federal offense, it is respectfully submitted that the defendant waives his right to a preliminary hearing on revocation.

4. Upon consultation with Mr. Rivera-Miranda, he indicates that he does not contest the fact that there is probable cause to revoke him on the last motion and he agreed that the best course of action will be to consolidate all proceedings in a final revocation hearing. Bypassing a preliminary hearing in the present case will save judicial resources.

5. At said final revocation hearing, the defendant will not contest the allegations made by the probation officer. He does reserve his right to make arguments to the Court as to what the proper sentence should be.

WHEREFORE, it is respectfully requested that this Honorable Court take notice of the present motion and that a final revocation hearing be scheduled as soon as practicable within the Court's calendar availability.

I HEREBY CERTIFY that on this date I electronically filed the present memorandum with the Clerk of Court using the CM/ECF system which will sent electronic notification of said filing to all parties of record, including the United States Attorney's Office, District of Puerto Rico.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico, this 23rd day of May, 2008.

JOSEPH C. LAWS, JR.
Federal Public Defender
District of Puerto Rico

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